

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE AMERICAN)
INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NUMBER:2:06cv717-1D
)
CAROL THORN; JOLEEN LEEA)
COLON; DALE EUGENE)
KIRKINDOLL; ELIZABETH S.)
KIRKINDOLL; THOMAS HOLT)
KIRKINDOLL; JAMES W. GRIFFIN)
SANDRA L. GRIFFIN; PATRICK A.)
BELT; CHRISTOPHER B. BELT;)
GENE STEGMAIER; ESTATE OF)
WILLIAM R. KLAUSS, a deceased)
minor; ESTATE OF CHERETY THORN)
a deceased minor; LV STABLER)
MEMORIAL HOSPITAL; BRPT LAKE)
REHABILITATION CENTER; BUTLER)
COUNTY EMERGENCY MEDICAL)
SERVICES;)
)
Defendants.)

REQUEST FOR ENTRY OF DEFAULT BY CLERK OF COURT

Comes now the plaintiff, Progressive American Insurance Company, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and requests the clerk of court to make an entry of default against the defendants, LV Stabler Memorial Hospital, James Griffin, Sandra Griffin, BRPT Lake Rehabilitation, Patrick A. Belt, and Gene Stegmaier, because of their

failure to plead, answer, or otherwise defend this case. The plaintiff submits the attached affidavit of Larry Bradford in support of this request.

/s/ R. Larry Bradford

R. Larry Bradford, Attorney for
Progressive American Insurance Company

OF COUNSEL:

Bradford & Sears, P.C.
2020 Canyon Road
Suite 100
Birmingham, AL 35216
(205) 871-7733

CERTIFICATE OF SERVICE

I hereby certify that I have this the 21st day of December, 2006, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Mathew Richardson, Esq.
Sidney W. Jackson, III., Esq.
Jackson, Foster & Graham
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/s/ R. Larry Bradford
OF COUNSEL

STATE OF ALABAMA

JEFFERSON COUNTY

AFFIDAVIT OF LARRY BRADFORD

LARRY BRADFORD, being duly sworn, deposes and says on oath as follows:

1. My name is Larry Bradford. I am the attorney for the plaintiff, Progressive American Insurance Company (“Progressive”), in this case. This affidavit is based upon my personal knowledge.
2. The defendants, James Griffin, Sandra Griffin, Gene Stegmaier, and BRPT Lake Rehabilitation, were each duly served with a copy of the summons and complaint on August 21, 2006. They have not filed answers or otherwise defended this case. More than twenty days have elapsed since the date on which these defendants were served with the summons and complaint.
3. The defendant, Patrick A. Belt, was duly served with the summons and complaint on August 30, 2006. He has not filed an answer or otherwise defended this case. More than twenty days have elapsed since the date on which the defendant was served with the summons and complaint.
4. The defendant L.V. Stabler Hospital was duly served with the summons and complaint on November 3, 2006. It has not filed an answer or otherwise defended this case. More than twenty days have elapsed since the date on which the defendant was served with the summons and complaint.

5. This affidavit is executed by the affiant in accordance with Rule 55 (a) of the Federal Rules of Civil Procedure for the purpose of allowing Progressive to obtain entries of default against these defendants based upon their failure to answer or otherwise defend the complaint.

R. Larry Bradford
R. Larry Bradford

Sworn to and subscribed before me on this the 21 day of December, 2006.

Jane Jones
Notary Public
44-2006
Commission expires